

REMARKS

The following remarks are provided in response to the Final Office Action mailed June 25, 2007 in which the Examiner:

- rejected claims 13, 14 and 16-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.
- rejected claims 13, 14 and 16-25 under 35 U.S.C. §112, second paragraph, as being indefinite.
- rejected claims 13, 14 and 16-31 under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over US 6,979,647 to Bojkov et al. (hereinafter Bojkov).
- rejected claims 13, 14 and 16-25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15-19 of US 6,974,764 to Brask et al. (hereinafter Brask I).
- provisionally rejected claims 13, 14 and 16-25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of US 7,129,182 to Brask et al. (hereinafter Brask II).

Claim 19 is herein canceled without prejudice. The Applicants respectfully request reconsideration of the above referenced patent application for the following reasons:

Claims 13, 14 and 16-25 rejection under 35 U.S.C. §112, first paragraph

Claims 13, 14 and 16-25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner

states that the “*claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The independent claims have been amended to recite that the first film is “proximate” to a second film. The word “proximate” is not used or defined in the originally filed specification.*” (See p. 2 of Examiner’s response dated June 25, 2007).

The Applicants herein amend independent claims 13 and 18, upon which claims 14, 16-17 and 20-25 depend, to eliminate use of the word “proximate.” Claim 19 is herein canceled without prejudice. The relationship of the first metallic film to that of the second metallic film is indeed described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Applicants respectfully point out paragraph [0027] of the specification which reads, “In accordance with one embodiment of the invention a chelating agent is tailored to bind with atoms of a specific metal or metal alloy in order to selectively etch particular metals or alloys *while leaving intact other metal films* as well as the non-metal films.” (Emphasis added). That is, a first metal film may be etched selective to a second (other) metal film. By convention, it would have been understood by one skilled in the art that etching of a first film selective to a second film necessarily means that both films would have been available for etching, i.e. both films are exposed to the etchant but only one film is etched. Thus, a relationship exists between the first and second film in that both are situated together to be available for etching by an etchant. Accordingly, amended

claims 13 and 18 recite in part, “depositing a first metallic film and a second metallic film on a substrate,” indicating the relationship between the first metallic film and the second metallic film.

Therefore, claims 13, 14, 16-18 and 20-25 comply with the written description requirement.

Claims 13, 14 and 16-25 rejection under 35 U.S.C. §112, second paragraph

Claims 13, 14 and 16-25 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that “[t]he claims have been amended to recite that the first film is “proximate” to the second film which is indefinite because it is not clear what “proximate” encompasses.” (See p. 3 of Examiner’s response dated June 25, 2007).

The Applicants herein amend independent claims 13 and 18, upon which claims 14, 16-17 and 20-25 depend, to eliminate use of the word “proximate.” Claim 19 is herein canceled without prejudice. Amended claims 13 and 18 are not indefinite. Please see the above discussion of the relationship of the first and second metallic films.

Claim 13, 14 and 16-25 rejection under 35 U.S.C. §102(e) or, in the alternative, under 35 U.S.C. §103(a)

Claims 13, 14 and 16-25 are rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Bojkov.

The Applicants herein amend independent claims 13 and 18 (on which claims 14, 16-17 and 20-25 depend) and respectfully request reconsideration of claims 13, 14, 16-18 and 20-25 in view of the amendments and the following arguments. Claim 19 is herein canceled without prejudice.

In claims 13, 14, 16-18 and 20-25, the Applicants teach and claim a method comprising depositing a first metallic film and a second metallic film on a substrate. A layer of photoresist is deposited on at least the first metallic film. The photoresist is patterned such that a desired portion of the first metallic film is masked and an undesired portion of the first metallic film is exposed. Two or more chelating agents or a media for using two or more chelating agents are selected based upon the metals contained in the first metallic film. The two or more chelating agents are used to remove the undesired portion of the first metallic film, wherein the two or more chelating agents do not impair the second metallic film. That is, the Applicants teach and claim a method wherein **two or more chelating agents are used to remove a portion of a first metallic film without impairing, e.g. etching, a second metallic film.**

Bojkov fails to disclose a method of removing a portion of a first metallic film with two or more chelating agents without impairing a second metallic film. Bojkov does disclose selectively etching a metal film with a single chelating agent (col. 1, line 64). The examiner argues that it would have been obvious to use more than one chelating agent if more than one metal is present because Bojkov teaches that the chelating agent is chosen dependent on the metal. (*see* pp. 4-5 of Examiner's response dated June 25, 2007). However, Bojkov is silent with respect to a second chelating agent. It is improper

for the Examiner to rely on Bojkov to teach the element of a second chelating agent because this element is clearly not disclosed by Bojkov. Thus, **Bojkov does not disclose using two or more chelating agents to remove a portion of first metallic film without impairing a second metallic film**, as taught by the Applicants.

Claims 13, 14 and 16-25 rejection for nonstatutory obviousness-type double patenting

Claims 13, 14 and 16-25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15-19 of Brask I. The Applicants herein submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321, and respectfully request the Examiner withdraw the nonstatutory obviousness-type double patenting rejection to claims 13, 14, 16-18 and 20-25.

Claims 13, 14 and 16-25 rejection for nonstatutory obviousness-type double patenting

Claims 13, 14 and 16-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of Brask II. The Applicants herein submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321, and respectfully request the Examiner withdraw the nonstatutory obviousness-type double patenting rejection to claims 13, 14, 16-18 and 20-25.

New Claims

New claims 32 and 33 depend upon amended independent claims 13 and 18, respectively. The Applicants respectfully request consideration of new claims 32 and 33 in view of the amendments to independent claims 13 and 18 and the foregoing arguments.

CONCLUSION

The Applicants submit that they have overcome the Examiner's rejections of the claims and that they have the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Dated

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